

through group purchasing opportunities provided by Midwestern Higher Education Compact. The Board of Regents has committed to find the necessary funding in FY 2010 to continue Iowa's membership in the Compact.

For the above reasons, I respectfully disapprove of the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 470 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

## CHAPTER 178

### APPROPRIATIONS — JUSTICE SYSTEM

*S.F. 475*

**AN ACT** relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

#### Section 1. DEPARTMENT OF JUSTICE.

1. There is appropriated from the general fund of the state to the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For the general office of attorney general for salaries, support, maintenance, and miscellaneous purposes, including the prosecuting attorneys training program, victim assistance grants, office of drug control policy (ODCP) prosecuting attorney program, and odometer fraud enforcement, and for not more than the following full-time equivalent positions:

.....	\$	8,592,145
.....	FTEs	232.50

It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph, the department of justice shall maintain a record of the estimated time incurred representing each agency or department.

b. For victim assistance grants:

.....	\$	2,400,000
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The funds appropriated in this lettered paragraph shall be used to provide grants to care providers providing services to crime victims of domestic abuse or to crime victims of rape and sexual assault.

The balance of the victim compensation fund established in section 915.94 may be used to provide salary and support of not more than 22 FTEs and to provide maintenance for the victim compensation functions of the department of justice.

The department of justice may transfer moneys from the victim compensation fund established in section 915.94 to the victim assistance grant program.

c. For legal services for persons in poverty grants as provided in section 13.34:

.....	\$	1,954,634
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2. a. The department of justice, in submitting budget estimates for the fiscal year commencing July 1, 2010, pursuant to section 8.23, shall include a report of funding from sources other than amounts appropriated directly from the general fund of the state to the department of justice or to the office of consumer advocate. These funding sources shall include but are not limited to reimbursements from other state agencies, commissions, boards, or similar entities, and reimbursements from special funds or internal accounts within the department of justice. The department of justice shall also report actual reimbursements for the fiscal year commencing July 1, 2008, and actual and expected reimbursements for the fiscal year commencing July 1, 2009.

b. The department of justice shall include the report required under paragraph “a”, as well as information regarding any revisions occurring as a result of reimbursements actually received or expected at a later date, in a report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department of justice shall submit the report on or before January 15, 2010.

c. The department shall cooperate with the auditor of state in preparing a report detailing recommendations for reimbursement moneys, including recommendations for appropriating such reimbursement moneys. The auditor of state shall provide the report to the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system, the legislative services agency, and the department of management by December 15, 2009.

Sec. 2. OFFICE OF CONSUMER ADVOCATE. There is appropriated from the general fund of the state to the office of consumer advocate of the department of justice for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,809,606
.....	FTEs	27.00 <sup>1</sup>

### Sec. 3. DEPARTMENT OF CORRECTIONS — FACILITIES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

For the operation of adult correctional institutions, reimbursement of counties for certain confinement costs, and federal prison reimbursement, to be allocated as follows:

a. For the operation of the Fort Madison correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	41,114,692
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As a condition of receiving an appropriation in this lettered paragraph, the department of corrections shall operate the John Bennett facility either as an institution of the department or a community-based correctional facility.

b. For the operation of the Anamosa correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

.....	\$	31,413,895
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It is the intent of the general assembly that the department of corrections fully operate the Luster Heights facility at the facility’s 88-bed capacity.

As a condition of the funds appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least \$238,252 for continuation of a treatment program that prepares offenders for on-going therapeutic treatment programs offered by the department and maintaining at least 4.75 full-time equivalent positions for the program.

Moneys are provided within this appropriation for one full-time substance abuse counselor for the Luster Heights facility for the purpose of certification of a substance abuse program at that facility.

<sup>1</sup> See chapter 181, §109 herein

c. For the operation of the Oakdale correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 58,646,095

d. For the operation of the Newton correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 28,033,393

e. For the operation of the Mt. Pleasant correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 27,216,182

f. For the operation of the Rockwell City correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 9,392,186

g. For the operation of the Clarinda correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 23,421,051

Moneys received by the department of corrections as reimbursement for services provided to the Clarinda youth corporation are appropriated to the department and shall be used for the purpose of operating the Clarinda correctional facility.

h. For the operation of the Mitchellville correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 15,836,794

i. For the operation of the Fort Dodge correctional facility, including salaries, support, maintenance, and miscellaneous purposes:

..... \$ 29,999,036

j. For reimbursement of counties for temporary confinement of work release and parole violators, as provided in sections 901.7, 904.908, and 906.17, and for offenders confined pursuant to section 904.513:

..... \$ 861,213

k. For federal prison reimbursement, reimbursements for out-of-state placements, and miscellaneous contracts:

..... \$ 239,411

2. The department of corrections shall use funds appropriated in subsection 1 to continue to contract for the services of a Muslim imam.

#### Sec. 4. DEPARTMENT OF CORRECTIONS — ADMINISTRATION.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

a. For general administration, including salaries, support, maintenance, employment of an education director to administer a centralized education program for the correctional system, and miscellaneous purposes:

..... \$ 4,810,048

(1) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not, except as otherwise provided in subparagraph (3), enter into a new contract, unless the contract is a renewal of an existing contract, for the expenditure of moneys in excess of \$100,000 during the fiscal year beginning July 1, 2009, for the privatization of services performed by the department using state employees as of July 1, 2009, or for the privatization of new services by the department without prior consultation with any applicable state employee organization affected by the proposed new contract and prior notification of the co-chairpersons and ranking members of the joint appropriations subcommittee on the justice system.

(2) It is the intent of the general assembly that each lease negotiated by the department of corrections with a private corporation for the purpose of providing private industry employment of inmates in a correctional institution shall prohibit the private corporation from utiliz-

ing inmate labor for partisan political purposes for any person seeking election to public office in this state and that a violation of this requirement shall result in a termination of the lease agreement.

(3) It is the intent of the general assembly that as a condition of receiving the appropriation provided in this lettered paragraph the department of corrections shall not enter into a lease or contractual agreement pursuant to section 904.809 with a private corporation for the use of building space for the purpose of providing inmate employment without providing that the terms of the lease or contract establish safeguards to restrict, to the greatest extent feasible, access by inmates working for the private corporation to personal identifying information of citizens.

b. For educational programs for inmates at state penal institutions:

..... \$ 1,558,109

As a condition of receiving the appropriation in this lettered paragraph, the department of corrections shall transfer at least \$300,000 from the canteen operating funds established pursuant to section 904.310 to be used for correctional educational programs funded in this lettered paragraph.

It is the intent of the general assembly that moneys appropriated in this lettered paragraph shall be used solely for the purpose indicated and that the moneys shall not be transferred for any other purpose. In addition, it is the intent of the general assembly that the department shall consult with the community colleges in the areas in which the institutions are located to utilize moneys appropriated in this lettered paragraph to fund the high school completion, high school equivalency diploma, adult literacy, and adult basic education programs in a manner so as to maintain these programs at the institutions.

To maximize the funding for educational programs, the department shall establish guidelines and procedures to prioritize the availability of educational and vocational training for inmates based upon the goal of facilitating an inmate's successful release from the correctional institution.

The director of the department of corrections may transfer moneys from Iowa prison industries for use in educational programs for inmates.

Notwithstanding section 8.33, moneys appropriated in this lettered paragraph that remain unobligated or unexpended at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this lettered paragraph until the close of the succeeding fiscal year.

c. For the development of the Iowa corrections offender network (ICON) data system:

..... \$ 424,364

d. For offender mental health and substance abuse treatment:

..... \$ 24,799

e. For viral hepatitis prevention and treatment:

..... \$ 186,534

2. It is the intent of the general assembly that the department of corrections shall continue to operate the correctional farms under the control of the department at the same or greater level of participation and involvement as existed as of January 1, 2009; shall not enter into any rental agreement or contract concerning any farmland under the control of the department that is not subject to a rental agreement or contract as of January 1, 2009, without prior legislative approval; and shall further attempt to provide job opportunities at the farms for inmates. The department shall attempt to provide job opportunities at the farms for inmates by encouraging labor-intensive farming or gardening where appropriate; using inmates to grow produce and meat for institutional consumption; researching the possibility of instituting food canning and cook-and-chill operations; and exploring opportunities for organic farming and gardening, livestock ventures, horticulture, and specialized crops.

3. The department of corrections shall provide a smoking cessation program to offenders committed to the custody of the director or who are otherwise detained by the department, that complies with legislation enacted restricting or prohibiting smoking on the grounds of correctional institutions.

4. As a condition of receiving the appropriations made in this section, the department of corrections shall develop and implement offender reentry centers in Black Hawk and Polk counties to provide transitional planning and release primarily for offenders released from the Iowa correctional institution for women at Mitchellville and the Fort Dodge correctional facility. Programming shall include minority and gender-specific responsivity, employment, substance abuse treatment, mental health services, housing, and family reintegration. The department of corrections shall collaborate with the first and fifth judicial district departments of correctional services, the Iowa department of workforce development, the department of human services, community-based providers and faith-based organizations, and local law enforcement.

*\*5. The chief security officer position within the department of corrections shall be eliminated by June 30, 2011.\**

6. The department of corrections shall study the use of paramedics at correctional institutions, and file a report with the chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency, detailing the study by January 15, 2010.

7. The department of corrections shall implement a centralized pharmacy during the fiscal year beginning July 1, 2009, and file a report with the chairpersons and ranking members of the joint appropriations subcommittee on the justice system and the legislative services agency. The department shall submit the report by September 1, 2010.

#### Sec. 5. JUDICIAL DISTRICT DEPARTMENTS OF CORRECTIONAL SERVICES.

1. There is appropriated from the general fund of the state to the department of corrections for the fiscal year beginning July 1, 2009, and ending June 30, 2010, for the treatment and supervision of probation and parole violators who have been released from the department of corrections violator program, the following amounts, or so much thereof as is necessary, to be allocated as follows:

a. For the first judicial district department of correctional services:  
..... \$ 12,883,094

As a condition of the funds appropriated in this lettered paragraph, the department of corrections shall replace expired federal funding by expending at least \$140,000 for the dual diagnosis program and maintaining 1.25 full-time equivalent positions for the program.

b. For the second judicial district department of correctional services:  
..... \$ 10,843,473

c. For the third judicial district department of correctional services:  
..... \$ 5,718,746

d. For the fourth judicial district department of correctional services:  
..... \$ 5,436,248

e. For the fifth judicial district department of correctional services, including funding for electronic monitoring devices for use on a statewide basis:  
..... \$ 18,958,665

As a condition of receiving the appropriation in this lettered paragraph, the fifth judicial district department of correctional services shall reinstate 67 beds in buildings 65 and 66 at the fort Des Moines facility and resume operating the buildings, in addition to maintaining the 199 beds in buildings 68 and 70 at the fort Des Moines facility. The district department may use inmate labor to upgrade and renovate the buildings, if renovation and updating are required.

f. For the sixth judicial district department of correctional services:  
..... \$ 13,417,533

g. For the seventh judicial district department of correctional services:  
..... \$ 6,995,044

h. For the eighth judicial district department of correctional services:  
..... \$ 6,919,964

2. Each judicial district department of correctional services, within the funding available, shall continue programs and plans established within that district to provide for intensive su-

\* Item veto; see message at end of the Act

pervision, sex offender treatment, diversion of low-risk offenders to the least restrictive sanction available, job development, and expanded use of intermediate criminal sanctions.

3. Each judicial district department of correctional services shall provide alternatives to prison consistent with chapter 901B. The alternatives to prison shall ensure public safety while providing maximum rehabilitation to the offender. A judicial district department of correctional services may also establish a day program.

4. The governor's office of drug control policy shall consider federal grants made to the department of corrections for the benefit of each of the eight judicial district departments of correctional services as local government grants, as defined pursuant to federal regulations.

5. The department of corrections shall continue to contract with a judicial district department of correctional services to provide for the rental of electronic monitoring equipment which shall be available statewide.

*\*6. A judicial district department of correctional services shall accept into the facilities of the district department, offenders assigned from other judicial district departments of correctional services.\**

Sec. 6. DEPARTMENT OF CORRECTIONS — REALLOCATION OF APPROPRIATIONS. Notwithstanding section 8.39, within the funds appropriated in this Act to the department of corrections, the department may reallocate the funds appropriated and allocated as necessary to best fulfill the needs of the correctional institutions, administration of the department, and the judicial district departments of correctional services. However, in addition to complying with the requirements of sections 904.116 and 905.8 and providing notice to the legislative services agency, the department of corrections shall also provide notice to the department of management, prior to the effective date of the revision or reallocation of an appropriation made pursuant to this section. The department shall not reallocate an appropriation or allocation for the purpose of eliminating any program.

Sec. 7. INTENT — REPORTS.

1. The department in cooperation with townships, the Iowa cemetery associations, and other nonprofit or governmental entities may use inmate labor during the fiscal year beginning July 1, 2009, to restore or preserve rural cemeteries and historical landmarks. The department in cooperation with the counties may also use inmate labor to clean up roads, major water sources, and other water sources around the state.

2. Each month the department shall provide a status report regarding private-sector employment to the legislative services agency beginning on July 1, 2009. The report shall include the number of offenders employed in the private sector, the combined number of hours worked by the offenders, and the total amount of allowances, and the distribution of allowances pursuant to section 904.702, including any moneys deposited in the general fund of the state.

Sec. 8. ELECTRONIC MONITORING REPORT. The department of corrections shall submit a report on electronic monitoring to the general assembly, to the co-chairpersons and the ranking members of the joint appropriations subcommittee on the justice system, and to the legislative services agency by January 15, 2010. The report shall specifically address the number of persons being electronically monitored and break down the number of persons being electronically monitored by offense committed. The report shall also include a comparison of any data from the prior fiscal year with the current year.

Sec. 9. STATE AGENCY PURCHASES FROM PRISON INDUSTRIES.

1. As used in this section, unless the context otherwise requires, "state agency" means the government of the state of Iowa, including but not limited to all executive branch departments, agencies, boards, bureaus, and commissions, the judicial branch, the general assembly and all legislative agencies, institutions within the purview of the state board of regents, and any corporation whose primary function is to act as an instrumentality of the state.

\* Item veto; see message at end of the Act

2. State agencies are hereby encouraged to purchase products from Iowa state industries, as defined in section 904.802, when purchases are required and the products are available from Iowa state industries. State agencies shall obtain bids from Iowa state industries for purchases of office furniture during the fiscal year beginning July 1, 2009, exceeding \$5,000 or in accordance with applicable administrative rules related to purchases for the agency.

Sec. 10. STATE PUBLIC DEFENDER. There is appropriated from the general fund of the state to the office of the state public defender of the department of inspections and appeals for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be allocated as follows for the purposes designated:

1. For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	21,743,182
.....	FTEs	203.00

2. For the fees of court-appointed attorneys for indigent adults and juveniles, in accordance with section 232.141 and chapter 815:

.....	\$	24,009,163
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Sec. 11. IOWA LAW ENFORCEMENT ACADEMY.

1. There is appropriated from the general fund of the state to the Iowa law enforcement academy for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, including jailer training and technical assistance, and for not more than the following full-time equivalent positions:

.....	\$	1,166,033
.....	FTEs	29.55

It is the intent of the general assembly that the Iowa law enforcement academy may provide training of state and local law enforcement personnel concerning the recognition of and response to persons with Alzheimer's disease.

The Iowa law enforcement academy may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

2. The Iowa law enforcement academy may select at least five automobiles of the department of public safety, division of state patrol, prior to turning over the automobiles to the department of administrative services to be disposed of by public auction, and the Iowa law enforcement academy may exchange any automobile owned by the academy for each automobile selected if the selected automobile is used in training law enforcement officers at the academy. However, any automobile exchanged by the academy shall be substituted for the selected vehicle of the department of public safety and sold by public auction with the receipts being deposited in the depreciation fund to the credit of the department of public safety, division of state patrol.

Sec. 12. BOARD OF PAROLE. There is appropriated from the general fund of the state to the board of parole for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,161,399
.....	FTEs	18.50

Sec. 13. DEPARTMENT OF PUBLIC DEFENSE. There is appropriated from the general fund of the state to the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

### 1. MILITARY DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	6,249,201
.....	FTEs	313.30

The military division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

### 2. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	2,038,119
.....	FTEs	33.10

The homeland security and emergency management division may temporarily exceed and draw more than the amount appropriated and incur a negative cash balance as long as there are receivables of federal funds equal to or greater than the negative balance and the amount appropriated in this subsection is not exceeded at the close of the fiscal year.

It is the intent of the general assembly that the homeland security and emergency management division work in conjunction with the department of public safety, to the extent possible, when gathering and analyzing information related to potential domestic or foreign security threats, and when monitoring such threats.

Sec. 14. DEPARTMENT OF PUBLIC SAFETY. There is appropriated from the general fund of the state to the department of public safety for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amounts, or so much thereof as is necessary, to be used for the purposes designated:

1. For the department's administrative functions, including the criminal justice information system, and for not more than the following full-time equivalent positions:

.....	\$	4,391,190
.....	FTEs	39.00

2. For the division of criminal investigation, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

.....	\$	21,125,270
.....	FTEs	287.50

If any of the Indian tribes fail to pay for 1.00 FTE pursuant to the agreements or compacts entered into between the state and the Indian tribes pursuant to section 10A.104, subsection 10, the number of full-time equivalent positions authorized under this subsection is reduced by 1.00 FTE.

The department shall employ one additional special agent and one additional criminalist for the purpose of investigating cold cases. Prior to employing the additional special agent and criminalist authorized in this paragraph, the department shall provide a written statement to prospective employees that states to the effect that the positions are being funded by a temporary federal grant and there are no assurances that funds from other sources will be available after the federal funding expires. If the federal funding for the additional positions expires during the fiscal year, the number of full-time equivalent positions authorized in this subsection is reduced by 2.00 FTEs.

The department of public safety, with the approval of the department of management, may employ no more than two special agents and four gaming enforcement officers for each additional riverboat or gambling structure regulated after July 1, 2009, and one special agent for each racing facility which becomes operational during the fiscal year which begins July 1,



2009. One additional gaming enforcement officer, up to a total of four per riverboat or gambling structure, may be employed for each riverboat or gambling structure that has extended operations to 24 hours and has not previously operated with a 24-hour schedule. Positions authorized in this paragraph are in addition to the full-time equivalent positions otherwise authorized in this subsection.

3. For the criminalistics laboratory fund created in section 691.9:

..... \$ 335,939

4. a. For the division of narcotics enforcement, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, to meet federal fund matching requirements, and for not more than the following full-time equivalent positions:

..... \$ 6,386,274

..... FTEs 81.00

b. For the division of narcotics enforcement for undercover purchases:

..... \$ 121,158

5. For the division of state fire marshal, for fire protection services as provided through the state fire service and emergency response council as created in the department, and for the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 3,988,892

..... FTEs 59.00

6. For the division of state patrol, for salaries, support, maintenance, workers' compensation costs, and miscellaneous purposes, including the state's contribution to the peace officers' retirement, accident, and disability system provided in chapter 97A in the amount of the state's normal contribution rate, as defined in section 97A.8, multiplied by the salaries for which the funds are appropriated, and for not more than the following full-time equivalent positions:

..... \$ 50,068,094

..... FTEs 536.00

It is the intent of the general assembly that members of the state patrol be assigned to patrol the highways and roads in lieu of assignments for inspecting school buses for the school districts.

7. For deposit in the sick leave benefits fund established under section 80.42 for all departmental employees eligible to receive benefits for accrued sick leave under the collective bargaining agreement:

..... \$ 310,575

8. For costs associated with the training and equipment needs of volunteer fire fighters:

..... \$ 680,421

Notwithstanding section 8.33, moneys appropriated in this subsection that remain unencumbered or unobligated at the close of the fiscal year shall not revert but shall remain available for expenditure only for the purpose designated in this subsection until the close of the succeeding fiscal year.

Notwithstanding section 8.39, within the funds appropriated in this section the department of public safety may reallocate funds as necessary to best fulfill the needs provided for in the appropriation. However, the department shall not reallocate an appropriation made to the department in this section unless notice of the reallocation is given to the legislative services agency and the department of management prior to the effective date of the reallocation. The notice shall include information about the rationale for reallocating the appropriation. The department shall not reallocate an appropriation made in this section for the purpose of eliminating any program.

Sec. 15. CIVIL RIGHTS COMMISSION. There is appropriated from the general fund of

the state to the Iowa state civil rights commission for the fiscal year beginning July 1, 2009, and ending June 30, 2010, the following amount, or so much thereof as is necessary, to be used for the purposes designated:

For salaries, support, maintenance, miscellaneous purposes, and for not more than the following full-time equivalent positions:

.....	\$	1,533,179
.....	FTEs	29.50

The Iowa state civil rights commission may enter into a contract with a nonprofit organization to provide legal assistance to resolve civil rights complaints.

Sec. 16. IOWA COMMUNICATIONS NETWORK. It is the intent of the general assembly that the executive branch agencies receiving an appropriation in this Act utilize the Iowa communications network or other electronic communications in lieu of traveling for the fiscal year addressed by the appropriations.

Sec. 17. HOMELAND SECURITY AND EMERGENCY MANAGEMENT DIVISION. There is appropriated from the wireless E911 emergency communications fund created in section 34A.7A to the administrator of the homeland security and emergency management division of the department of public defense for the fiscal year beginning July 1, 2009, and ending June 30, 2010, an amount not exceeding \$200,000 to be used for implementation, support, and maintenance of the functions of the administrator and program manager under chapter 34A and to employ the auditor of the state to perform an annual audit of the wireless E911 emergency communications fund.

Sec. 18. IOWA LAW ENFORCEMENT ACADEMY — FEES. Notwithstanding section 80B.11B, the Iowa law enforcement academy may charge more than one-half the cost of providing the basic training course if a majority of the Iowa law enforcement academy council authorizes charging more than one-half of the cost of providing basic training. This section is repealed on June 30, 2010.

Sec. 19. INTERIM REPORTING — IMPLEMENTATION. The board of parole shall develop and implement the certificate of employability program as provided in section 906.19. The board shall file an interim status report regarding the certificate of employability program development with the general assembly and the legislative services agency by January 1, 2010.

Sec. 20. CONSUMER EDUCATION AND LITIGATION FUND. Notwithstanding section 714.16C, for each fiscal year of the period beginning July 1, 2008, and ending June 30, 2011, the annual appropriations in section 714.16C, are increased from \$1,125,000 to \$1,875,000, and \$75,000 to \$125,000 respectively. Moneys appropriated from the consumer education and litigation fund may be allocated for cash flow purposes to the victim compensation fund established in section 915.94 during each of the fiscal years enumerated, provided that any moneys so allocated are returned to the consumer education and litigation fund by the end of each fiscal year an allocation occurs.

Sec. 21. SUPERVISOR AND EMPLOYEE RATIO. The department of administrative services and the executive branch agencies receiving appropriations in this Act shall pursue a goal of achieving a ratio of fourteen employees per supervisor in such agencies, by December 31, 2009.<sup>2</sup>

Sec. 22. CORRECTIONAL OFFICER AND PEACE OFFICER — PRIORITY. As a condition of receiving an appropriation in this Act, the department of corrections and the department of public safety shall make every effort to preserve correctional officer and peace officer positions through the reduction of administrative and related overhead costs.

Sec. 23. Section 13B.4, subsection 2, Code 2009, is amended to read as follows:

2. The state public defender shall file a notice with the clerk of the district court in each

<sup>2</sup> See chapter 179, §28 herein

county served by a public defender designating which public defender office shall receive notice of appointment of cases. The state public defender may also ~~designate~~ enter into a contract with a nonprofit organization ~~which has a contract with the state public defender to or an attorney, designating that the nonprofit organization or attorney~~ provide legal services to eligible indigent persons as the state public defender's designee. In each county in which the state public defender files a designation, the state public defender's designee shall be appointed by the court to represent all eligible persons or to serve as guardian ad litem for eligible children in juvenile court in all cases and proceedings specified in the designation. The appointment shall not be made if the state public defender or the state public defender's designee notifies the court that the state public defender's designee will not provide services in certain cases as identified in the designation by the state public defender.

Sec. 24. Section 13B.4, subsection 4, paragraph c, subparagraph (2), subparagraph division (d), Code 2009, is amended to read as follows:

(d) If the claimant was appointed contrary to section 814.11 or 815.10, or the claimant failed to comply with section 814.11, subsection 7, or section 815.10, subsection 5.

Sec. 25. Section 216.15, subsection 3, paragraph a, Code 2009, is amended to read as follows:

a. After the filing of a verified complaint, a true copy shall be served within twenty days on the person against whom the complaint is filed, except as provided in subsection 3A. ~~If the first named respondent on a complaint is not a governmental entity, service of a true copy on the respondent shall be by certified mail.~~ An authorized member of the commission staff shall make a prompt investigation and shall issue a recommendation to an administrative law judge employed either by the commission or by the division of administrative hearings created by section 10A.801, who shall then issue a determination of probable cause or no probable cause.

Sec. 26. Section 216.15, Code 2009, is amended by adding the following new subsection:

NEW SUBSECTION. 3A. a. The commission may permit service of a complaint on a respondent by regular or electronic mail. If the respondent does not respond to the service by regular or electronic mail after ninety days, the commission shall serve the complaint on the respondent by certified mail within twenty days after the expiration of the ninety-day response period to service by regular or electronic mail.

b. The commission may also permit a party to file a response to a complaint, a document, information, or other material, by electronic mail.

c. The commission may issue a notice, determination, order, subpoena, request, correspondence, or any other document issued by the commission, by electronic mail.

Sec. 27. NEW SECTION. 216.21 DOCUMENTS TO ATTORNEY OR PARTY.

If a party is represented by an attorney during the proceedings of the commission, with permission of the attorney for the party or of the party, the commission shall provide copies of all relevant documents including an order or decision to either the attorney for the party or the party, but not to both.

Sec. 28. Section 904.315, unnumbered paragraph 2, Code 2009, is amended to read as follows:

A contract is not required for improvements at a state institution where the labor of inmates is to be used if the contract is not for a construction, reconstruction, demolition, or repair project or improvement with an estimated cost in excess of ~~twenty-five~~ fifty thousand dollars.

Sec. 29. Section 915.86, subsection 1, Code 2009, is amended by adding the following new paragraphs:

NEW PARAGRAPH. a. The department shall establish the rates at which it will pay charges for medical care.

NEW PARAGRAPH. b. If the department awards compensation, in full, at the established rate for medical care, and the medical provider accepts the payment, the medical provider shall hold harmless the victim for any amount not collected that is more than the rate established by the department.

Sec. 30. **EFFECTIVE DATE.** The section of this Act increasing appropriations pursuant to section 714.16C, being deemed of immediate importance, takes effect upon enactment and applies retroactively to April 1, 2009.

*Approved May 26, 2009, with exceptions noted.*

CHESTER J. CULVER, *Governor*

Dear Mr. Secretary:

I hereby transmit Senate File 475, an Act relating to and making appropriations to the justice system, and including effective and retroactive applicability date provisions. Senate File 475 is approved on this date, with the exceptions noted below, which I hereby disapprove.

I am unable to approve the item designated as Section 4, subsection 5 in its entirety. Subsection 5 calls for the Department of Corrections to eliminate the chief security officer position by June 30, 2011. My Administration last year made establishment of this position a high priority in order to maintain consistent security procedures and policies within the Department of Corrections. I disapprove this language because it infringes upon the Executive Branch authority to staff this much-needed position.

I am unable to approve the item designated as Section 5, subsection 6 in its entirety. This provision would require all Community Based Correctional (CBC) Facilities to accept offenders transferred from other judicial districts without consideration of evidence-based practices regarding supervisory status. I disapprove this language because it would cause each CBC facility to lose control of the types and number of offenders whom they serve in their residential program.

For the above reasons, I respectfully disapprove the designated items in accordance with Article III, Section 16 of the Constitution of the State of Iowa. All other items in Senate File 475 are hereby approved this date.

Sincerely,  
CHESTER J. CULVER, *Governor*

**CHAPTER 179**

STATE AND LOCAL GOVERNMENT  
FINANCIAL AND REGULATORY MATTERS —  
APPROPRIATIONS AND MISCELLANEOUS CHANGES

S.F. 478

†AN ACT relating to state and local finances by providing for funding of property tax credits and reimbursements, by making, increasing, and reducing appropriations, providing for salaries and compensation of state employees, providing for matters relating to tax credits, providing for fees and penalties, and providing for properly related matters and including effective date and retroactive and other applicability provisions.

*Be It Enacted by the General Assembly of the State of Iowa:*

DIVISION I  
MH/MR/DD SERVICES ALLOWED  
GROWTH FUNDING — FY 2010-2011

Section 1. COUNTY MENTAL HEALTH, MENTAL RETARDATION, AND DEVELOPMENTAL DISABILITIES ALLOWED GROWTH APPROPRIATION AND ALLOCATIONS — FISCAL YEAR 2010-2011.

1. There is appropriated from the general fund of the state to the department of human services for the fiscal year beginning July 1, 2010, and ending June 30, 2011, the following amount, or so much thereof as is necessary, to be used for the purpose designated:

For distribution to counties of the county mental health, mental retardation, and developmental disabilities allowed growth factor adjustment for fiscal year 2010-2011:

..... \$ 62,157,491

2. The amount appropriated in this section shall be allocated as provided in a later enactment of the general assembly.

DIVISION II  
STANDING APPROPRIATIONS  
AND RELATED MATTERS

Sec. 2. BUDGET PROCESS FOR FISCAL YEAR 2010-2011.

1. For the budget process applicable to the fiscal year beginning July 1, 2010, on or before October 1, 2009, in lieu of the information specified in section 8.23, subsection 1, unnumbered paragraph 1, and paragraph “a”, all departments and establishments of the government shall transmit to the director of the department of management, on blanks to be furnished by the director, estimates of their expenditure requirements, including every proposed expenditure, for the ensuing fiscal year, together with supporting data and explanations as called for by the director of the department of management after consultation with the legislative services agency.

2. The estimates of expenditure requirements shall be in a form specified by the director of the department of management, and the expenditure requirements shall include all proposed expenditures and shall be prioritized by program or the results to be achieved. The estimates shall be accompanied by performance measures for evaluating the effectiveness of the programs or results.

Sec. 3. GENERAL ASSEMBLY.

1. The appropriations made pursuant to section 2.12 for the expenses of the general assembly and legislative agencies for the fiscal year beginning July 1, 2009, and ending June 30, 2010, are reduced by the following amount:

..... \$ 4,439,653

† Estimate of additional local revenue expenditures required by state mandate on file with the Secretary of State